

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:08-cv-01728-FMC-FMOx	Date	January 5, 2009
Title	US Bank National Association v. Chad Komniey et al		

Present: The Honorable	FLORENCE-MARIE COOPER
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Alicia Mamer	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not present

Not present

Proceedings: ORDER REMANDING CASE TO SUPERIOR COURT (In Chambers)

On September 25, 2008, Plaintiff U.S. Bank National Association ("U.S. Bank") filed an unlawful detainer action in Riverside Superior Court against pro se Defendants Chad Komniey and Nina Desandro ("Defendants"). On November 26, 2008, Defendants filed a Notice of Removal to this Court.

On December 15, 2008, this Court issued a Minute Order: (1) denying Defendants' ex parte application for TRO, and (2) issuing an Order to Show Cause ("OSC") why this case should not be remanded to state court. The Order to Show Cause ("OSC") explained that counterclaims or defenses based in federal law do not provide a basis for federal jurisdiction: "any basis for federal jurisdiction must lie in the Complaint." Dec. 15, 2008 Minute Order at 3.

On December 29, 2008, Defendants timely filed a response to the OSC. However, Defendants fail to identify any basis for federal court jurisdiction over this unlawful detainer action. Defendants' response does not demonstrate that this Court has subject matter jurisdiction to hear this case. Accordingly, removal is improper, this case is hereby REMANDED to Riverside Superior Court.

IT IS SO ORDERED.

_____: N/A
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